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ABSTRACT

This governance constitution of the University of Maine at Portland-Gorham was approved by the Board of Trustees of the University of Maine on February 27, 1974. Covered are: (1) academic actions; (2) meetings; (3) organization and administration; (4) the faculty of graduate studies; (5) the graduate council; (6) new academic organizations; (7) university convocation; (8) the faculty senate; (9) the student senate; (10) classified employees; (11) the judiciary; and (12) amendments. (KE)

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GOVERNANCE CONSTITUTION

of the

UNIVERSITY OF MAINE AT PORTLAND-GORHAM

As Approved

FEBRUARY 27, 1974

by the

BOARD OF TRUSTEES

of the

UNIVERSITY OF MAINE

U S DEPARTMENT OF HEALTH, EDUCATION & WELFARE
NATIONAL INSTITUTE OF EDUCATION

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UNIVERSITY OF MAINE - BOARD OF TRUSTEES
Educational Policy Committee
February 27, 1974

The Board of Trustees of the University of Maine approves the Governance Constitution of the University of Maine at Portland-Gorham. In voting this approval, the Board of Trustees

(a) Has been informed and shall expect that any substantive amendment of change to said Constitution shall be subject to Board of Trustee approval. All amendments to said Constitution, after ratification at the campus level, shall be brought to the Educational Policy Committee of the Board of Trustees for review. If, in the opinion of the Educational Policy Committee, said amendment alters the substance of said Constitution, the amendment may be forwarded to the Board of Trustees for formal approval and final ratification.

(b) Has been informed that the *University of Maine at Portland-Gorham Personnel Policies* as referred to in said Constitution are presently in a state of review and will be submitted to the Board of Trustees for approval upon completion and ratification at the campus level. Acceptance of said Constitution by the Board of Trustees does not constitute final approval of the currently existing Personnel Policies.

(c) Has stated that where actions and decisions reached pursuant to said Constitution require implementation from the Board of Trustees, such decisions constitute only recommendations for Board action.

(d) Has acknowledged that pursuant to advice of legal counsel the words, "for an initial term of from four to six years, renewable for a fixed term or terms," contained in Part II, Article V, Section 1 (C) have been eliminated from said Constitution.

UNIVERSITY OF MAINE AT PORTLAND-GORHAM
GOVERNANCE CONSTITUTION

PREAMBLE

"The variety and complexity of the tasks performed by institutions of higher education produce an inescapable interdependence among governing board, administration, faculty, students, and others. The relationship calls for adequate communication among these components, and full opportunity for appropriate joint planning and effort."[1]

Thus, while the Board of Trustees of the University of Maine has delegated responsibility for the administration of the University of Maine at Portland-Gorham to the President, the President shares that responsibility with the Faculty, the Student Body, the Administration, and the Administrative Staff.

This Constitution provides for appropriate faculty, student, administration, administrative staff, and classified employee participation in the governance of the University. Respect for these procedures by all and discharge of the responsibilities vested in them under this Constitution by all should result in that cooperation, understanding, and joint action necessary for the effective resolution of educational problems.

These procedures are governed by the following principles:

1. No procedures shall abridge the civil rights or the academic freedom of the members of the University community.

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[1]Section II A, "Statement on Government of Colleges and Universities," formulated by the American Association of University Professors, the American Council on Education, and the Association of Governing Boards of Universities and Colleges.

2. No action under this Constitution shall be inconsistent with equal opportunity policies of the University.

3. The University is an institution with special educational purposes: the advancement of knowledge, higher learning, and preparation for the professions.

4. Because of the Faculty's role in the advancement of knowledge and the educational process and its experience, it must exercise the major responsibility for academic policy and decisions.

5. Because students have valuable experience and a major stake in University programs, they should participate in academic decisions, have a major role in formulating student life policy, and be responsible for student activities.

6. Because the Administration and members of the Administrative Staff implement policies, can provide information necessary for responsible decisions, and may provide a disinterested perspective, they should participate in making policy as well as in executing it.

7. Powers should be balanced and checked without seriously impeding effective governance.

8. Since the University is a complex institution whose various parts have special characteristics and needs, the principle of maximum possible decentralization of authority will facilitate the rational functioning of the University. However, decentralization must not be pursued to the exclusion of the overall educational goals of the University or in a way that undermines University-wide policies.

9. In the formulation and application of University-wide policies, due regard must be given the responsibilities of the professional schools to their professions and to the University of Maine.

DEFINITIONS

The following definitions and others in this Constitution are applicable regarding these procedures, except where otherwise indicated.

1. The University of Maine at Portland-Gorham shall be referred to in this document as the University.

2. The Faculty includes all persons in the ranks of Instructor, Assistant Professor, Associate Professor, and Professor, holding full-time appointments from the President of the University. Those holding academic rank and not engaged in full-time teaching, research, University service, or community service for academic Departments, Divisions, Schools or Colleges may be recognized as voting members of those units at the unit's option. At the discretion of the President, faculty members holding joint appointments with other institutions may be considered full-time.

3. Full-time students are those who are enrolled in any degree program in the University and who are registered in courses carrying at least nine credits per semester or students who are enrolled in any graduate degree program and who are registered in courses carrying at least six degree credits per semester.

4. Part-time students are those who are matriculated and enrolled in any course carrying degree credit but who are not full-time students.

5. The Administration includes the President, the Vice-Presidents, Deans, Directors of Academic Divisions or programs independent of a School or College, and the Librarian.

6. The Administrative Staff includes non-classified employees other than those designated as the Administration in No. 5 who hold a full-time appointment from the President.

PART I: THE DEPARTMENT

ARTICLE I: PREAMBLE AND DEFINITION

Section 1.

Preamble. Much of the University's strength derives from the success with which its Departments organize teaching, research, and service; develop and strengthen their programs of study; guide and inspire their students; encourage creativity and scholarship within their faculties; and jointly develop, with students served by the Department, a favorable climate for learning. Accordingly, the Department's authority and responsibility are recognized in academic, personnel, and other matters, consonant with the overall purposes of the University.

Section 2.

Definition. A Department shall consist of all full-time faculty with the rank of Instructor or higher in a field or fields of scholarship or teaching. The faculty of each Division, School, and College may recommend to the Dean, the Vice-President for Academic Affairs, and the President the establishment, change, or discontinuance of Departments.

ARTICLE II: ACADEMIC ACTIONS

Section 1.

Authority. A Department shall normally establish policies and procedures and make recommendations regarding its teaching, research, and service objectives.

Section 2.

Personnel Actions. Procedures by which the Department makes personnel decisions and recommendations are enumerated in the approved *University of Maine at Portland-Gorham Faculty Personnel Policies*.

Section 3.

Curriculum. A Department is responsible for its curriculum and shall establish procedures for making curriculum recommendations and decisions in conformity with School, College, and University policy. Provision must be made for student involvement in curriculum deliberations. The Department shall forward these procedures to the Procedures Committee and make them known to all interested parties.

A. Reporting and Review. Department curriculum recommendations and decisions shall be promptly reported to all Department Chairmen of the School or College, members of the School or College curriculum review committee (if it exists), and Deans with undergraduate programs. Curriculum recommendations are subject to review when required by the School or College and, when necessary, by other Schools or Colleges, the Administration, and the Faculty Senate (see IV: Art III-1-B).

B. Funding. Any course or program change requiring additional funding must be approved by the Dean and, as required, by the Vice-President for Academic Affairs.

Section 4.

Admissions

A. Undergraduate. A Department may establish, in consultation with its Dean, criteria and procedures for admission or transfer to undergraduate programs in accordance with the special requirements of the Department.

B. Graduate. A Department shall determine, in consultation with its Dean and the Dean of Graduate Studies, criteria and procedures for admission to graduate programs in Departments.

Section 5.

Self-Study. Periodically and at least once every five years, the Department shall engage in

a thorough review and reconsideration of its mission, its goals, its relationship to other Departments and Schools or Colleges, the students it is attracting as majors or to its courses, the success of its programs, its organization, and its leadership, and make a report to the Dean.

ARTICLE III: MEETINGS

Section 1.

Call and Minutes. The Department may set meetings of the Department. Meetings may be called, upon reasonable notice, by the Chairman and must be called upon petition of a majority of the Department. Minutes of meetings, including all motions voted on and actions taken, shall be published to the Department.

Section 2.

Disposition. When a Department decision or recommendation is not concurred in by the administrator or body to whom it is submitted, the Department or its appropriate committee shall be informed promptly, normally in writing, of the reasons.

ARTICLE IV: ORGANIZATION AND ADMINISTRATION

Section 1.

Organization. The Department shall be organized and administered in accordance with University, College, School, and Department policies. Besides the Chairman, the Department may create such officers and committees, either separately or jointly with other Departments, as it deems necessary and may delegate to them academic and administrative responsibilities. The Chairman shall normally exercise the ordinary administrative responsibilities of that office as well as those responsibilities specifically reserved to the Chairman in Section 2-A and those delegated by the Department.

Section 2.

Chairman.

A. Responsibilities. Obligations of the Chairman and responsibilities reserved to the Chairman include but are not limited to the following:

1. The Chairman is an *ex officio* member of the Curriculum Committee of the Department.

2. The Chairman develops budgets for the Department in consultation with its members for submission to the appropriate Dean and is responsible for the disbursement of allocated funds.

3. The Chairman is responsible for proper implementation of the Faculty Personnel Policies in the Department.

4. The Chairman makes salary recommendations to the Director or Dean for members of the Department, consistent with University, School and College salary policy and upon due consideration of the annual Personnel Committee evaluations of performance.

5. The Chairman is responsible for the continuing review of the goals, programs, and effectiveness of the Department.

B. Nomination and Appointment. The Chairman shall be appointed by the Dean upon nomination of the Department. Each Department shall establish procedures for the nomination of a Chairman, including any provision for absentee voting, the qualifications for office, the term of office, and provision for vacancy. These procedures shall be submitted to the Procedures Committee for approval and copies provided to all interested parties.

1. The Department shall determine the Chairman's term of office, except that no person shall serve more than twelve

successive years* and no single term shall be longer than three years. When a Chairman is on leave for as long as a semester, a nomination of a new Chairman for the period of absence may be made upon vote of the Department.

2. Once established, the nomination procedures may be changed only upon a two-thirds vote of the entire Department, consistent with all provisions of this Section except that upon a majority vote of those voting, the Department may waive its right to nominate a Chairman, whereupon the Dean shall appoint the Chairman.

3. The Department must consider the recommendations of undergraduate majors and graduate students in Chairman selection.

4. The Department's meeting to nominate a Chairman shall be chaired by a member of another Department, non-voting, appointed by the Dean.

5. The chairman of the nomination meeting shall announce the vote on the final or determining ballot and forward the vote to the Dean. If, in the Dean's judgment, the vote reflects serious Department division, the Dean shall consult the Department prior to appointing the Chairman from among those receiving substantial support in the vote. The Dean's appointment is subject to appeal to the President.

6. The Department may, at any time, vote to recommend removal of a Chairman by a two-thirds majority vote of the Department membership and, if the recommendation is accepted by the Dean, proceed to nominate a replacement.

*Time is counted beginning with the 1971-72 academic year.

Section 3.

Committee Membership. Each Department shall determine by majority vote how faculty and student members of Department committees shall be selected. When student members are appointed or elected by faculty, selection shall be made only after broad consultation with student majors and students served by the Department. Committees shall elect their own chairmen.

PART II: SCHOOLS AND COLLEGES

ARTICLE I: DEFINITIONS AND ORIGINATION

Section 1.

A. College. A College is a grouping of faculty members or Departments of the University offering a complete course of study leading to a bachelor's or graduate degree with majors in single disciplines or areas of study.

B. School. A School is a grouping of faculty members or Departments of the University offering a program of professional preparation or a program of general, experimental, or interdisciplinary studies.

C. Faculty. All full-time faculty members in the rank of Instructor or higher and holding appointments in a School or College or its constituent Departments are members of the School or College, including the Dean and Associate or Assistant Deans. The School or College may grant voting rights to administrators holding academic rank in disciplines appropriate to the School or College and to those in the rank of Lecturer, provided that they are in the regular service of the School or College in a teaching or research capacity.

Section 2.

Formations. Proposals for the establishment, change, or discontinuance of Schools or Colleges shall be referred to the Faculty Senate for a recommendation to the President.

ARTICLE II: ACADEMIC AFFAIRS

Section 1.

Authority. The School or College is responsible for its policies, decisions, and recommendations.

Section 2.

Personnel Actions. Procedures by which the School or College makes personnel decisions and recommendations are enumerated in the approved *University of Maine at Portland-Gorham Faculty Personnel Policies.*

Section 3.

Curriculum. The School or College shall establish policies and procedures for making its curriculum decisions in conformity with University policy. Provision must be made for student involvement in curriculum deliberations. School or College undergraduate curriculum decisions shall be promptly reported to all Deans of undergraduate programs, the Vice-President for Academic Affairs, and to the Chairman of the Faculty Senate. Curriculum decisions are subject to review, when necessary, by other Schools or Colleges, the Administration, and the Faculty Senate (see IV: Art. III-1-B).

Section 4.

Admissions. The faculty of a graduate professional school or program may elect to exercise sole responsibility for the formulation and implementation of its admissions policy.

ARTICLE III: MEETINGS

Meetings. The School or College shall normally conduct its affairs at meetings of the School or College. It may meet upon vote of the body, call of the Dean, or petition of fifteen faculty members or one-fourth of the body's membership, whichever is smaller. The Dean or the Dean's representative shall preside.

Section 1.

Rules. The School or College may establish rules of procedure consistent with this Constitution. Otherwise, meetings will be conducted according to *Robert's Rules of Order*, as revised.

Section 2.

Notice of Meetings. Members shall be notified of meetings at least seven days in advance, except in the case of emergency or special meetings, which may be called upon reasonable notice and for which the only permissible order of business shall be that plainly germane to the agenda for which the meeting was called.

Section 3.

Agenda. The agenda shall be prepared by the Dean and distributed with the notice of the meeting and include all items submitted by members of the School or College. Placement of items on the agenda may be delayed for no other reason than to seek clarification as to the nature of the issue in question.

Section 4.

Publication. All minutes and actions of the meeting shall be promptly published and distributed to each member of the School or College.

ARTICLE IV: ORGANIZATION

Organization. A School or College may organize itself as it chooses, in accordance with University policies. It may establish standing and *ad hoc* committees which shall be answerable to the School or College, and it shall establish procedures for the selection of faculty, student, and other members of committees. Academic and administrative responsibility, other than that reserved to the Dean, Department, and Department Chairmen, may be delegated, and procedures to do so require a two-thirds vote for approval.

ARTICLE V: ADMINISTRATION

Section 1.

Dean.

A. Responsibilities. The Dean shall administer the affairs of the School or College. The Dean's duties shall include but not be limited to the following:

1. The Dean is responsible for proper implementation of the Faculty Personnel Policies in the School or College. The Dean forwards the recommendations of the Department Personnel Committee, Department Chairman, and the School or College Personnel Committee, if one exists, together with the Dean's recommendation, to the Vice-President for Academic Affairs.

2. The Dean is an *ex officio* member of the Curriculum Committee of the School or College, if one exists. Course and curriculum changes which require additional funds and course or curriculum changes substantially affecting the School or College curriculum require the Dean's approval except that, upon reconsideration, a two-thirds vote of the School or College is determining.

3. The Dean is responsible for preparing budgets for the School or College and for the disbursement of allocated funds.

4. The Dean makes salary recommendations in accordance with University faculty salary policy and in consultation with Department Chairmen for members of the School or College.

5. The Dean is responsible for the continuing review of the College's or School's goals, programs, and effectiveness, and, to that end, shall meet at least biennially with each Department.

B. Selection. The Dean shall be appointed by the Board of Trustees upon the recommendation of a School or College search committee, the Vice-President for Academic Affairs, and the President. Each School or College shall, in consultation with the President or a designee, establish selection procedures, including qualifications and term of office, which shall be submitted to the Procedures Committee for approval and made known to all interested persons.

1. All members of the Faculty of the School or College shall be represented in the search for and recommendation of the Dean.

2. Students within the School or College shall have voting representation on the search committee.

3. One member of the selection group of a School or College shall be a member of another School or College, appointed by the Vice-President for Academic Affairs.

4. The names of candidates shall be forwarded only upon the vote of a two-thirds majority of the selection group voting. In the event of an impasse, the President may request the names and votes of candidates receiving a simple majority.

5. The President shall meet with the selection group to discuss reasons for rejecting a nomination or passing over the selection group's preferred nomination or nominations.

C. Term. Deans shall serve at the pleasure of the President. No Dean shall serve more than twelve years,* except under unusual circumstances and for a limited period of time.

*Time is counted beginning with the 1971-72 academic year.

D. Evaluation. Each School or College shall provide for periodic evaluation of the Dean.

E. Reappointment. Each School or College shall establish a procedure for a timely recommendation regarding appointment of the Dean.

Section 2

Associate and Assistant Deans. Associate and Assistant Deans shall serve at the pleasure of the Dean to whom they report. The Dean shall consult systematically with the School or College faculty and students in the appointment and regarding the continuance of such personnel.

ARTICLE VI: EXCEPTIONS

Professional Schools. Where any provision of this Constitution affecting a professional school is inconsistent with the School's responsibilities to the profession or requirements of a professional accrediting agency, it may be waived or modified by the Governance Judiciary Committee with the approval of the President.

PART III. OTHER ORGANIZATIONS

ARTICLE I: THE DIVISION

The Division. A Division is a group of faculty members or Departments joined for a special purpose and organized apart from a School or College. The Director shall be appointed in accordance with procedures consistent with those for the selection of a Dean. Division curriculum, personnel, and other affairs shall be conducted in a manner consistent with those of a Department, School, or College.

ARTICLE II: THE FACULTY OF GRADUATE STUDIES

Section 1.

Definition. The Faculty of Graduate Studies shall consist of all faculty so designated by the President upon recommendation of the Dean of Graduate Studies and the Vice-President for Academic Affairs.

Section 2.

The Dean of Graduate Studies. The Dean of Graduate Studies shall be the administrative officer of the Faculty of Graduate Studies and shall be responsible for planning, developing, and coordinating academic programs at the graduate level which are offered by the major academic units of the University.

A. Selection and Term. The Dean shall be appointed in accordance with procedures which are not inconsistent with those for other Deans.

B. Responsibilities. The Dean shall administer the graduate programs of the University.

Section 3.

The Graduate Council.

A. Membership. The Graduate Council shall consist of the Dean of Graduate Studies, *ex officio*; twelve graduate faculty members elected by the Graduate Faculty, with no more than six from a single College or five from a single School; one faculty member elected by the Law School; and five graduate students appointed by the Dean from recommendations by members of the Graduate Faculty. Terms of office shall be one year and no elected faculty member shall serve more than four consecutive full terms.

B. Responsibilities. The Graduate Council shall review graduate policy and make recommendations to the Dean of Graduate Studies regarding graduate studies.

ARTICLE III: NEW ACADEMIC ORGANIZATIONS

New Academic Organizations. Creation of new academic units requires consultation with and consideration of recommendations from the appropriate faculty and student groups. New academic units must be approved by the President and, if necessary, the Chancellor and the Board of Trustees. Governance procedures for such organizations shall be developed in a manner consistent with those provided for Departments, Divisions, Schools, or Colleges.

PART IV: THE UNIVERSITY

ARTICLE I: THE ADMINISTRATION

Section 1.

The President. The President is responsible for implementation of Board of Trustees policy; shares responsibility with the University community for the definition of University goals; and is finally responsible for the decisions that lead to attainment of the University's goals as well as the initiative, outside consultation, effective function of governance instrumentalities, and communication that produce those decisions; for the institutional resources necessary to implement programs; for the effective performance of their duties of all University personnel; and for representation of the University to its various publics. The President may appoint committees to assist in the fulfillment of these responsibilities.

Section 2.

Shared Authority. For the educational process to proceed effectively, the President and those administrators to whom authority is delegated must guarantee the members of the University community full opportunity to exercise their governance responsibilities.

A. Recommendations, Decisions, and Counsel. The President, Vice Presidents, and Deans shall refer to the bodies established by this Constitution all matters appropriate to these bodies for formal policy recommendations and, where appropriate, decisions; shall counsel directly with appropriate bodies established by this Constitution before making major decisions; shall respect decisions on matters reserved or delegated to governance bodies; and shall give due weight to the recommendations of those bodies when decisions are reserved to the Administration.

B. Response. When the President or other members of the Administration alter or reject a formal recommendation from a body established under this Constitution, that body shall be informed promptly, normally in writing, of the reasons for the decision or action.

C. Default Action. When recommendations are not forthcoming from governance bodies within a reasonable specified time, the Administration may act without recommendations or seek counsel elsewhere.

Section 3.

Administration Organization. The organization of administrative offices, areas of authority, and reporting channels is the responsibility of the President. Other members of the Administration and the Administrative Staff exercise governance responsibilities in the implementation of University policies as agents of the President. Procedures for their exercise of such governance responsibilities are not contained in this Constitution.

ARTICLE II: UNIVERSITY CONVOCATION

The President or the Coordinating Committee of the Senates may call a University convocation to consider any matter regarding which University-wide discussion is deemed appropriate.

ARTICLE III: THE FACULTY SENATE

Section 1.

Responsibilities and Limitations. The Faculty Senate may make recommendations on any matter of concern to the Faculty not reserved to Departments, Schools, or Colleges to the appropriate University officer or body established under this Constitution. Within the limits established by the Board of Trustees, the Faculty Senate shall be responsible for academic policy decisions and recommendations affecting the University as a whole, with the exception of matters specifically reserved to other bodies by this Constitution.

The Faculty Senate may not concern itself with the internal affairs of a School or College or any other affairs of a College or School, except where these other affairs materially affect the University as a whole or where they affect the interest of other Colleges or Schools and cannot be resolved by said Colleges or Schools or Administration mediation. It shall also provide the President and other administrators with the counsel of the Faculty regarding implementation of University policy.

The Faculty Senate's areas of responsibility or concern include but are not limited to the following:

A. Resources and Planning. It shall consider the purposes of the University and its educational programs and, in cooperation with the Administration, Administrative Staff, students, classified employees, and the community at large, develop a master plan for the physical and educational development of the University and engage in a continuing review of the plan and its implementation; study the relationship between University organization, financial resources, and personnel policies and the long-term development of the University; and engage in a continuing review of the University budget and make recommendations regarding University expenditures.

B. Academic Policy. It shall engage in a continuing review of University educational policies, review proposals and make recommendations regarding curriculum changes which involve significant allocation of University funds; make recommendations regarding conflicts between Schools or Colleges unresolved by the parties affected or through Administration mediation; review policies regarding academic standing, student financial aid, and admissions; and make calendar recommendations.

C. Faculty Affairs. It shall formulate policy and make policy recommendations regarding Faculty personnel, responsibilities, compensation, and academic freedom; and counsel the Administration, Colleges, Schools, Departments, and individuals regarding these policies.

D. Research. It shall formulate and review policies governing the University's relations with outside agencies with regard to research and related matters and encourage, coordinate, and support, where possible, faculty and student research, scholarship, and creative work.

E. Library and Media. It shall engage in a continuing study and evaluation of library and media needs.

F. Scholarly, Cultural, and Intercollegiate Programs. It shall recommend policy regarding extra-curricular scholarly and cultural programs, including intercollegiate programs and activities supported by University funds; schedule and present lectures, concerts, exhibits, timely symposia or forums, and other programs contributing to the intellectual and cultural life of the University; and cooperate with the Student Senate in the enhancement of student life.

G. Administration. It shall participate in searches for the President in cooperation with the Chancellor, the Board of Trustees, administrators, and students; be responsible for searches for an academic vice-president

and such academic deans as are not otherwise provided for in this Constitution, and make recommendations concerning effective administration.

H. Faculty Representatives. It shall be responsible for the selection of faculty members to serve on University committees, other University bodies, and as Faculty representatives on intercollegiate bodies.

I. University Honors. It shall formulate policies relating to the award of University prizes and honors and assist in the selection of recipients of prizes and honors with the exception of those awarded by students.

J. Counsel. It shall advise the President on any matter the President chooses to bring before it.

Section 2.

Membership. The Faculty Senate shall be composed as follows:

A. Faculty. Full-time faculty members and Associate and Assistant Deans are eligible. Each School, College, and Division shall be represented by one senator for each ten full-time faculty members or major fraction thereof, except that each School shall be represented by at least two senators. Schools and Colleges with Departments or other logical subdivisions may apportion the selection of senators to represent departments or groupings. Five faculty members shall be elected at large, with no more than three from a single College or one from a single School or Division.

B. Administration. The President and Vice-President for Academic Affairs shall be members, *ex officio* and non-voting, and the Deans shall be members, *ex officio* and voting.

C. Students. Two representatives of the Student Senate shall be members, non-voting.

D. Administrative Staff. Two representatives of the Administrative Staff Senate shall be members, non-voting.

E. Vacancies. Should the seat of a faculty senator elected by a School, College, or Division become vacant, a special election shall be held. Should the seat of an at-large faculty senator become vacant, the Chairman will appoint the next highest candidate in the at-large voting.

F. Absences. Senators should appoint voting substitutes when they must be absent.

Section 3.

Officers. A Chairman and Vice Chairman shall be elected by the Senate at an organizational meeting in May, following elections. They shall be eligible for re-election. The Chairman, with the consent of the Senate, shall appoint a secretary, who shall be provided with appropriate staff assistance. In the absence of the Chairman and Vice Chairman, the secretary shall appoint, with the advice and consent of the Senate, a chairman *pro tempore*. The outgoing Chairman shall be responsible for calling the organizational meeting; the senior faculty senator shall preside until a Chairman is elected.

Section 4.

Meetings. The Faculty Senate shall meet at least once each semester, at the call of the Chairman, the President, the Executive Committee, any seven members of the Senate acting jointly, or by petition of ten percent of the Faculty. The Faculty Senate shall establish by-laws for the conduct of its affairs and proper notice of meetings, agenda, and actions.

Section 5.

Committees. The Faculty Senate may establish standing and *ad hoc* committees and may delegate to them such Senate powers as it chooses, provided that the motion delegating powers is published in the meeting agenda. Other faculty members, students, and administrators may serve on Faculty Senate Committees by request and approval of or at the invitation of the Executive Committee. In the establishment of committees and in the selection of members, due regard must be given to the obligation to choose those most qualified and/or fairly representative of various constituencies. Each School or College shall be entitled to at least one faculty representative on any committee whose charge includes any matter affecting the interests of that School or College. All committee members shall have floor privileges in the Senate during consideration of matters within the Committee's purview. Each Committee shall elect its chairman.

Section 6.

Executive Committee.

A. Responsibilities. The Executive Committee's primary responsibilities shall be to assist the Faculty Senate in the efficient discharge of its duties by recommending actions, referring matters to the appropriate committees or offices, serving as a continuing liaison between the Senate and the Administration, and acting on behalf of the Senate during the summer and when immediate action is required, subject to confirmation of such actions at the next Senate meeting. It may be delegated other responsibilities by the Senate.

B. Membership. The Executive Committee shall include the Chairman, the Vice Chairman, and such other members as the Senate determines.

Section 7.

Referendum. Upon petition by thirty faculty members filed with the Faculty Senate Chairman within seven school days of the date of publication of the minutes of the Faculty Senate, any report or recommendation approved by the Faculty Senate must be put to a Faculty referendum. If a majority of those voting oppose the report or recommendation, provided that at least fifty per cent of the Faculty votes, the report or recommendation shall be of no further force or effect. The Senate may submit to referendum any matter before it.

Section 8.

Jurisdictional Conflict. Jurisdictional disputes between the Faculty Senate and a School or College may be referred by either party to the Governance Judiciary Committee for recommendation and to the President for decision.

Section 9.

Faculty Meeting. A Faculty meeting, including all full-time members of the Faculty, all Deans and Associate or Assistant Deans of Schools and Colleges and Directors of Divisions, the President, and the Vice President for Academic Affairs, will be convened upon call of the President or the Chairman of the Faculty Senate or upon the petition of one-third of the Faculty Senate or fifteen percent of the Faculty. The Chairman of the Faculty Senate or a designee will chair the meeting. The Faculty may not act without a quorum of fifty percent of the membership except that should a quorum be lacking, those present may initiate a referendum which shall require that at least fifty percent of the Faculty cast ballots for its action to be valid.

ARTICLE IV: THE STUDENT SENATE

Section 1.

Responsibilities. The Student Senate may make recommendations on any matter of concern to undergraduate students, including academic matters, to the appropriate University officer or body established under this Constitution.

The Student Senate's areas of responsibility or concern include but are not limited to the following:

A. Student Government. It shall be responsible for functions normally associated with student government, such as the conduct of social affairs; the certification or sponsorship of student publications and communications; the chartering of student social, political, and other organizations; and the sponsorship of cultural programs.

B. Student Life. It shall be responsible for reviewing and making policy recommendations concerning such areas of student life as admissions, financial aid, discipline, advising and counseling, housing, food service, placement, and recreational facilities and activities.

C. Nominations. It shall be responsible, upon request, for the nomination of student members to University committees.

D. Counsel. It shall advise the President on any matter the President chooses to bring before it.

Section 2.

Membership. The Student Senate shall be composed of fifteen undergraduate students chosen by students of the Schools and Colleges,

apportioned according to the number of majors; six students elected at large; two members of the Faculty Senate, non-voting; the Vice-President for Educational Services and the Coordinator of Student Activities *ex officio* and non-voting; chairmen of graduate, part-time and evening student organizations, *ex officio* and non-voting; and such representatives of student organizations as the Student Senate determines, *ex officio* and non-voting. Senators should appoint voting substitutes when they must be absent.

Section 3.

Officers. The members of the Student Senate shall elect a chairman and vice-chairman from the membership and select a secretary and treasurer. Appropriate staff assistance shall be provided the secretary.

Section 4.

Meetings. The Student Senate shall develop by-laws for the conduct of its affairs and proper notice of meetings, agenda, and actions.

Section 5.

Committees. The Student Senate may establish standing and *ad hoc* committees and may delegate to them such Senate powers as it chooses, provided that the motion delegating powers is published in the meeting agenda. In the establishment of committees and in the selection of members, due regard must be given to the obligation to choose those most qualified and fairly representative of various constituencies.

Section 6.

Executive Committee. The Executive Committee's primary responsibilities shall be to assist the Student Senate in the efficient discharge of its duties, to serve as a continuing liaison between the Senate and the Administration, and to act on

behalf of the Senate when immediate action is required, subject to confirmation of such action at the next Senate meeting. It shall include the officers and such other members as the Senate determines.

Section 7.

Student Body Meetings. Upon request of the President, by vote of the Student Senate or its Executive Committee or upon petition of fifty students, the chairman of the Student Senate shall call and chair a meeting of the student body.

ARTICLE V: THE ADMINISTRATIVE STAFF SENATE

The interests of the Administrative Staff and the Administration, excluding the President, Vice Presidents, and Deans, shall be served by the Administrative Staff Senate.

Section 1.

Responsibilities. The Administrative Staff Senate may make recommendations on any matter of concern to the Administrative Staff to the appropriate University officer or any body established under this Constitution. It is responsible for recommendations to the President regarding matters relating to Administrative Staff personnel and for the nomination of Administrative Staff members to University committees and other bodies upon request.

Section 2.

Membership. The Administrative Staff Senate shall include ten members elected at large by the Administrative Staff.

Section 3.

Officers. The Administrative Staff Senate shall elect a chairman, vice-chairman, and secretary from its membership. Appropriate staff assistance shall be provided the secretary.

Section 4.

Meetings. The Administrative Staff Senate shall develop by-laws for the conduct of its affairs, including proper notice of meetings, agenda, and actions.

Section 5.

Administrative Staff Meeting. Upon the request of the President or any ten members of the Administrative Staff, the chairman of the Administrative Staff Senate shall call a meeting of the Administrative Staff.

ARTICLE VI: COORDINATING COMMITTEE OF THE SENATES

Coordinating Committee. The Chairmen and Vice Chairmen of the Senates or their representatives shall constitute the Coordinating Committee of the Senates for the purposes of facilitating communication among the Senates, the establishment of joint committees and activities, and consideration of matters of general welfare.

ARTICLE VII: APPEAL

Appeal. On matters which require the approval of the Chancellor or the Board of Trustees, recommendations of Senates not concurred in by the President may, by a two-thirds vote of those voting, be forwarded with the President's recommendation.

ARTICLE VIII: CLASSIFIED EMPLOYEES

Section 1.

Personnel Policies. Personnel policies for classified employees shall be contained in the approved *University of Maine at Portland-Gorham Classified Employees Policies.*

Section 2.

Classified Employees Committee.

A. Responsibilities. The Classified Employees Committee shall make recommendations to the President regarding all matters relating to classified employees. It may develop classified employees personnel policies and grievance procedures, subject to approval by the classified employees, the President, and the Chancellor. It shall be responsible for nominating classified employee members of University committees.

B. Membership. The Classified Employees Committee shall include twelve members, with six elected from each campus, for two-year terms, with one-half of the membership elected each year.

C. Meetings. By-Laws of the Classified Employees Committee are contained in the *Rules of Governance*.

D. Officers. A chairman and a secretary shall be elected for two-year terms.

E. Assembly. An assembly of all classified employees shall meet on call of the President or upon petition of two-thirds of the Classified Employees Committee or any fifteen classified employees, addressed to the Chairman of the Classified Employees Committee, provided that the President approves a meeting scheduled during working hours. Meetings will be chaired by the Chairman of the Classified Employees Committee. The Classified Employees assembly may not act without a quorum of fifty percent of the membership except that should a quorum be lacking, those present may initiate a referendum which shall require that at least fifty percent of the classified employees cast ballots for its action to be valid.

ARTICLE IX: THE JUDICIARY

Section 1.

Preamble. The normal resolution of differences in the University is through conciliation, the mediation of fellow students, colleagues, counselors, chairmen, and administrators; or appeal to a faculty member's Dean, or an administrator's or classified employee's superior. Where required, formal means for resolving conflict are available.

Section 2.

Procedures Committee. The Procedures Committee is responsible for the necessary review of procedures.

A. Membership. The Procedures Committee shall include two faculty members elected by the Faculty Senate and one elected by the Law Faculty; one student elected by the Student Senate and one by the Law students' association; one administrator elected by the Administrative Staff Senate; and one member of the Administration appointed by the President.

B. Responsibilities. The Procedures Committee's responsibilities are as follows:

1. It shall receive, review, and evaluate procedures required to be submitted to it by other provisions of this Constitution as to their conformity to the principles stated in the Preamble and the stipulations in the Constitution.

2. It may require revision of policies and procedures to bring them into conformity with this Constitution, on its own initiative or in response to a complaint, as well as reconsideration of actions taken under defective procedures.

3. It shall serve as the election commission.

Section 3.

Governance Judiciary Committee. The Governance Judiciary Committee is responsible for the adjudication of constitutional conflicts.

A. Membership. The Governance Judiciary Committee shall include two faculty members elected by the Faculty Senate and one elected by the Law Faculty; one student elected by the Student Senate and one by the Law students' association; one administrator elected by the Administrative Staff Senate; and one member of the Administration appointed by the President. In the event that a constitutional conflict is directly related to Article III, IV, or V of Part IV of the Constitution, the Chairman of the Senate involved or an appropriate representative shall be added to the committee for the adjudication of that conflict.

B. Responsibilities. The Governance Judiciary Committee's responsibilities are as follows:

1. It shall serve as arbiter in all disputes about the meaning of this Constitution, except those between the Faculty Senate and a School or College (IV, III, 8). It shall hear complaints of violations of the provisions of this Constitution and adjudicate such disputes.

2. Upon a finding by the Governance Judiciary Committee that an action by any individual or group subject to this Constitution is in violation of this Constitution, the Committee shall request that the President declare that action null and void and may request the President to order appropriate corrective action. The President shall notify the chairmen of the Senates and all interested parties of the Committee's request and of the President's

decision and any order thereunder. Upon complaint of any interested party that such action has not been rescinded or corrective action taken, the Committee shall report the matter to the Chancellor.

3. A judgment of the Governance Judiciary Committee may be appealed to the President or, if the President is a party, to the Chancellor. If such an appeal is taken within ten days of notification of the Committee's decision, the Committee shall stay any order for corrective action issued under the paragraph above.

Section 4.

Disciplinary Committee.

A. Membership. The Disciplinary Committee shall consist of two faculty members elected by the Faculty, five students elected by the student body with no more than one part-time student; one administrator elected by administrative staff; and one administrator appointed by the President.

B. Responsibilities. The Disciplinary Committee shall administer the Disciplinary Code of the University and shall from time to time make recommendations to the University of Maine Disciplinary Code Review Board regarding changes in the Code.

Section 5.

Faculty Grievances. The University Personnel Policies provide for grievance and hearing committees. The Faculty Senate is empowered to provide for other standing or *ad hoc* grievance committees as are needed.

Section 6.

Student Grievance Committee. The Student Senate is empowered to establish a student grievance committee, which shall report its findings to the President.

Section 7.

Administrative Staff Grievance Committee. The Administrative Staff Senate is empowered to establish an administrator grievance committee.

ARTICLE X: ELECTIONS

Section 1.

Terms. All terms shall be for one year, beginning September 1, unless bodies themselves provide otherwise.

Section 2.

Regular Elections.

A. School and College Elections. Schools, Colleges, and Divisions shall elect their representatives to the Faculty Senate by the close of the first full school week in April, and forward the results through the respective Deans to the Procedures Committee.

B. School and College Nominations. Individual, School, College, and Division nominations for bodies and offices chosen in University-wide elections, including at-large representatives to the Faculty Senate, Disciplinary Committee, and Faculty Grievance and Hearing Committees, as well as for such other offices and bodies as shall be created within this Constitution, shall be made to the Chairman of the Procedures Committee at least ten days before elections.

C. Amendments and Referenda. Amendments, referenda, or such questions as the Faculty Senate, Student Senate, or Administrative Staff Senate may choose to propound to be voted upon in the regular election must be submitted to the Chairman of the Procedures Committee at least ten days before elections.

D. Date. University-wide elections shall be held at least three weeks prior to the end of spring semester classes on two successive school days.

Section 3.

Special Elections. Special elections to fill vacant University offices or seats shall be held as soon as practicable after they become necessary. With the exception of Procedures Committee vacancies, the Procedures Committee shall use its discretion in filling vacancies occurring late in the academic year.

Section 4.

Faculty Members. Each School or College may make nominations for election at large to the Faculty Senate, to the Disciplinary Committee, and to the Grievance and Hearing panels.

Section 5.

Student Members. To be nominated for election to the Student Senate and the Disciplinary Committee, a student must file with the Chairman of the Procedures Committee, at least ten days before elections, a petition bearing the signatures of at least twenty members of the constituency.

Section 6.

Administrative Staff Members. The Administrative Staff Senate shall determine the method of election of administrators to the Procedures Committee, the Governance Judiciary Committee, the Faculty Senate, and the Disciplinary Committee.

Section 7.

Eligibility. All full-time students, faculty, and administrative staff, as defined in this document, are eligible to vote in the University elections. Part-time students are eligible to vote if they are properly registered with the Registrar's Office at least seven school days in advance of the first day of the election.

Section 8.

Voting. In University-wide elections, students, faculty, and administrative staff shall cast no more than one vote for any one nominee, unless otherwise provided in this Constitution. Opportunity shall be provided for write-in votes.

Section 9.

Certification. The Procedures Committee shall declare elected those candidates for each office who receive a plurality of the votes cast. In any election where the plurality is less than two per cent of the votes cast for that office, a recount may be had upon request of any candidate apparently defeated by such a plurality. In any election apparently ending in a tie, a recount shall be conducted. During a recount, disputed ballots shall be held aside and not counted. Where, after a recount a number of disputed ballots exceeds the plurality of the apparent winner, the Procedures Committee shall meet immediately to determine the validity of any disputed ballot and to declare the winner. Should a tie result, the Procedures Committee shall decide the winner by a draw.

Section 10.

Recall. Upon receipt by the Procedures Committee of a petition signed by ten percent of the members of any constituency, it shall conduct a referendum of the constituency. If two-thirds of those voting favor recall, the Procedures Committee shall conduct or supervise the holding of a special election to fill the vacancy.

PART V: AMENDMENTS

ARTICLE I: STUDENT SENATE AMENDMENTS

Student Senate Amendments. Amendments changing the composition, apportionment, or method of selection of the Student Senate may be initiated by the petition of one-third of the Student Senate or any seventy-five students. The vote shall be held no earlier than three school weeks after notice of the amendment petition is given the student body. Ratification shall require the majority vote of students voting, provided that at least fifteen per cent of the student body vote, and the approval of the President.

ARTICLE II: ADMINISTRATIVE STAFF AND CLASSIFIED EMPLOYEE AMENDMENTS

Administrative Staff and Classified Employee Amendments. Amendments changing the composition or method of selection of the Administrative Staff Senate or the Classified Employees Committee may be initiated by petition of a majority of the body or any twenty members of the constituency. The vote shall be held no earlier than two weeks after notice of the amendment petition is given the affected group. Ratification shall require the majority vote of those voting and the approval of the President.

ARTICLE III: OTHER AMENDMENTS

Section 1.

Initiation. With the exceptions noted in Articles I and II, amendments may be initiated by petition of the President, a School or College, the Faculty Senate, a vote by the Faculty, the Student Senate, any one hundred members of the University community, forty faculty members, or twenty Administrative Staff members.

Section 2.

Ratification. With the exceptions noted in Articles I and II, amendments require ratification by a two-thirds vote of the Faculty voting and the approval of the President. A proposed amendment must be published to the University community at least fourteen school days before the vote is taken. The Chairman of the Procedures Committee will schedule a public hearing to take place at least five school days before the balloting. The ratification vote may be at a Faculty meeting or by mail ballot. The Procedures Committee shall be responsible for preparing all amendment ballots and conducting the vote. The President may elect to request student and Administrative Staff referenda before deciding upon approval of such amendments.

PART VI: RATIFICATION AND IMPLEMENTATION

ARTICLE I: RATIFICATION

This Constitution shall be ratified by the approval of a two-thirds majority of the Faculty voting and a majority of either the students voting or the administrators voting, as currently defined.

ARTICLE II: IMPLEMENTATION

Upon ratification and approval by the President, this Constitution replaces the present governance document, and the procedures provided for in this Constitution replace all existing ones established both under the present governance document or by Administration decision, with the following exceptions: Department, Division, School, College, and Administration officers and committees continue until procedures in effect call for new elections or searches. University Council, Faculty Affairs Committee, and Advisory Committee for Research members and

officers continue until the first meeting of the Faculty Senate. The Procedural Review Committee and Faculty Grievance and Hearing Panels continue until elections are completed for replacements (and cases under consideration are completed). Student members of the Student Affairs Committee and the Judiciary Committee shall serve as the Student Senate and student membership of the Disciplinary Committee until September 1, 1974. Also, faculty members elected to the Faculty Senate, the Grievance and Hearing Panels, Procedures Committee, Governance Judiciary Committee, and administrative staff elected to the Administrative Staff Senate and Procedures and Governance Judiciary Committees shall serve until September 1, 1975. Approved Department procedures shall remain in effect except that, if necessary, the procedure for Chairman selection must be amended to provide for forwarding the vote and for vacancy.

The Governance Drafting Committee, its student and administrator consultants, the chairmen of the Faculty Affairs Committee, Student Affairs Committee, and Administrator Affairs Committee, and the President, sitting as an implementation committee, shall be responsible for overseeing initial establishment of bodies provided for in this Constitution, in cooperation with the present Election Commissioner until the Procedures Committee is organized. Part VI shall self-destruct upon ratification and implementation of the Constitution and no later than October 1, 1974.